

REMARKS

This Amendment is being submitted in response to the Official Action dated January 7, 2008. Claim 1 is amended. Claims 1-4 remain pending in this application.

The Examiner rejected claim 1 under 35 U.S.C. 103(a) as being unpatentable in view of U.S. Patent Publication No. 2003/0106819 A1 to Bennett in view of U.S. Patent 6,256,922 to Jones, et al. (“Jones”). The Examiner contends that Bennett discloses all elements of claim 1 save for the sidelong opening and fabric outer shell. Applicant disagrees. Careful inspection of the Bennett application reveals that the case taught therein does not disclose that for which the Examiner credits it. Similarly, careful inspection of the Jones patent reveals that the Examiner unduly credits that disclosure as well. Claim 1 of the current application has been amended to emphasize the differences between the present disclosure and those of the prior art.

The Examiner correctly identifies an inconsistency in the disclosure of Bennett as between the written specification and the depiction of Figure 3. Specifically, although Figure 3 depicts the laminated gun case material as having film 26 inside of non-woven fabric 28, the specification recites that the non-woven fabric is located on the inner surface of the material. In making this observation the Examiner refers to the non-woven fabric 28 as “padding”. Irrespective of its position on the interior or exterior surface of the case, the non-woven fabric 28 of the application is never referred to in the disclosure as “padding. In-fact, it is only by the Examiner’s presumption that non-woven fabric is provided for padding and the specification specifically recites that it is provided for another purpose.

As Bennett recites, the problem to which it is directed is the need to prevent gun lubricating oils from leaking through the knitted (sock) material in which gun owner were storing

their firearms. (Bennett ¶¶ 1-2.) Presuming the Examiner's interpretation regarding the non-woven fabric's 28 position within the plastic film 26 outer layer is correct, Bennett accordingly provides non-woven fabric 28 to retain such owner applied oils in contact with the weapon while soaking up excess lubricant. Plastic film 26 contains excess lubricants within the case wheretofore the sock allowed such oil to leak out. Bennett goes further to suggest, in ¶ 15, that such non-woven fabric 18 be impregnated with preservative, absorbents or desiccants such as silicon oil. No where does Bennett suggest the use or inclusion of padding as disclosed in the present invention but rather teaches otherwise.

With respect to Jones, the Examiner credits the disclosure as a storage case with a sidelong covering flap. Jones, however, is not a storage case as is the present invention and does not present a single sidelong flap to envelope and protect a firearm. Rather, Jones discloses multiple small flaps variously position to allow access by a shooter to various portions of the gun for sighting and firing the weapon. Bennett Col. 1 lns 9-13 and elsewhere). The Examiner specifically notes that flaps 100, 200, 50, 60, and 90 as permitting access to various features of the weapon including a shell insertion portion and a magazine insertion portion and butt. (Official Action, Pg. 4 paragraph 2). The specification further identifies trigger, sight and barrel discharge features having individual access points. According to Examiner it would have been obvious to one skilled in the art to combine Bennett with these sidelong openings in order provide access to these features. *Id.*

Tellingly, access to these features would not be desirable in the gun case of the present invention and in fact would be undesirable. As noted, the present invention is a gun storage case as opposed to a protective covering for a gun in use, as in Jones. The single, continuous sidelong

flap of the present invention is intended to retain the weapon within the case and pad/protect it while stored. The multiple flaps and openings of Jones provides significantly more points of possible failure (dirt/moisture intrusion) in this regard and makes it considerably more difficult to remove the weapon from the case for cleaning and use. The Examiner's failure to appreciate this intended purpose of the sidelong opening taught by the present invention in favor of the altogether different teaching and purpose of Jones suggests such a combination with Bennett is not obvious. Claim 1 has been amended to more specifically delineate this difference.

Considering these remarks, it is respectfully submitted that neither Bennett nor Jones teach that which the Examiner gives each credit for. Accordingly, neither Bennett nor Jones, individually or in combination with one another, disclose all of the elements of the present invention. Specifically, Bennett (and, for that matter, Jones) simply fails to teach or suggest a padded protective storage case. Jones further fails to teach or suggest a single, continuous sidelong opening and the references are thus an improper foundation which to base the rejection. therefore, claim 1 is patentably distinguished.

Claims 2 through 4 are but additional recitations dependent on claim 1 and are therefore similarly patentably distinguished.

In view of the above, pending claims 1-4 are believed to avoid all the rejections set forth in the Official Action. It is believed that this application is now in the proper condition, and a Notice of Allowance is respectfully requested.

Respectfully submitted,



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